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September 5, 2023

VIA CM/ECF

The Honorable Leonard P. Stark  
U.S. Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, D.C. 20439

Re: *Contrarian Capital Management, L.L.C. et al. v. Bolivarian Republic of Venezuela*,  
Nos. 21-mc-18, 22-mc-131, and 22-mc-263

Dear Judge Stark:

We represent Plaintiffs. We write to address the Venezuela Parties' motion for leave to file a surreply. D.I. 61.

The Venezuela Parties' motion to file a surreply should be denied. *First*, a surreply is improper because Plaintiffs' reply brief did not "reserve material" – it responded to the Venezuela Parties' argument that Delaware law applies.<sup>1</sup> *Second*, the proposed surreply is untimely: Although the local rules do not contemplate surreply deadlines, the proposed surreply was filed a week after the deadline for reply briefs, which should apply here. *See* D. Del. L.R. 7.1.2(b). *Third*, PDVSA could have raised these arguments in its reply brief filed August 25, but it failed to do so. *See* D.I. 59.

Respectfully submitted,

/s/ Rebecca L. Butcher

Rebecca L. Butcher (No. 3816)

cc: All counsel of record via CM/ECF

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<sup>1</sup> The Venezuela Parties' sole legal authority is inapposite. *Asahi* allowed a surreply when the opposing party's reply included new declarations and documentary evidence. *Asahi Glass Co., Ltd. v. Guardian Indus. Corp.*, 2013 WL 936451, at \*2 n.4 (D. Del. Mar. 11, 2013).